

This is a transcription of episode 2 of Season Two of In the Dark. Italics indicate audio. Musical notations and other production elements aren't included. Because there may be imprecisions in the transcript, the audio should be considered the official record of the episode.

Episode 2: The Route

If you haven't listened to the first episode of In the Dark, stop, go back and listen to it first. And this will make a lot more sense.

One other note. This episode contains a word that's offensive.

Last time, on In the Dark.

(Audio of Curtis Flowers singing with his gospel group)

Madeleine Baran: Do you remember how you found out that Curtis had been arrested for the murders?

Kittery Jones: On the radio. I thought it was crazy.

Randy Stewart: Curtis Giovanni Flowers murdered those four people. There's no doubt in my mind.

WCBI-TV news coverage: Curtis Flowers was sentenced to death on four counts of capital murder. That conviction actually marked the sixth time Flowers had been tried in the case.

Barney Morgan: It's too long. Way too long. And Curtis Flowers is still in prison and they're still dragging it on.

Joann Young: I know Curtis didn't do it. I would go to my grave believing Curtis didn't do it.

David McGee: if you try a man, and you go six times for the same crime, something is wrong about the entire system.

On the west side of Winona, in the middle of a neighborhood with lots of houses close together, there's what looks like an abandoned parking lot. It's nearly a block long. It's overgrown. The grass isn't mowed. It's the kind of place you might drive by and never give a second thought.

But if you slowed down and looked more closely, you'd notice a row of bricks poking out of the grass along the edge of the lot, and a set of concrete steps that lead nowhere. If you got out of your car and walked onto the lot and headed all the way to the back, you'd find an old desk overturned in the grass. You'd see that someone had taken a silver marker and written the words, "Merry Christmas."

This abandoned lot used to be a school. Back in the 1960s, it was an all-black school, and it was in a black neighborhood. But in 1970, the federal government ordered the city of Winona to integrate its schools, and white and black students started to go to school here together. But then, four years later, on the night before Valentine's Day, after all the students and teachers had left, a fire broke out. The flames lit up the sky, and people could smell the smoke for miles. Within hours, the entire block-long brick building had burned to the ground.

Nearly everyone I talked to about the fire, black and white, told me they think it was arson, and that it was related to integration.

Right next to field where the school used to be, there's a small white house with a porch on the side. This is the house where Curtis Flowers' parents live.

Madeleine Baran: Hello.

Lola Flowers: How you doing?

Lola and Archie Flowers have been married for 54 years. Everything in their house is just so. The dining room table is set perfectly with cloth napkins. In the living room, there's a curved tan velvet couch with fringe on the bottom and a matching ottoman.

Lola and Archie are both retired, and although they have five other children and many grandchildren, they have devoted most of their time in the past 21 years to their son Curtis. Curtis' parents talk on the phone with him almost every day. They regularly make the 80-minute drive each way to Parchman prison.

Lola Flowers: Every two weeks we go. We see him the first and third Tuesday of each month. We don't miss a visit.

Madeleine Baran: Can you bring him anything?

Lola Flowers: Mm-mm. Girl, when you get through getting searched and everything every time you go, you might as well just leave your clothes off and go on over there.

Archie Flowers: They really search you.

Lola Flowers: Scan you and everything.

From the beginning, Lola and Archie Flowers have believed their son is innocent. And they've spent a lot of money on Curtis' case.

Madeleine Baran: How much do you think you spent?

Lola Flowers: Shoot. I counted that up. It was like a hundred and some thousand dollars.

Madeleine Baran: Oh my gosh.

Lola Flowers: I'm telling you.

Madeleine Baran: How did you afford it?

Lola Flowers: I used to work three jobs a day, and he was working double twice. And then, then after that we went and borrowed some from the bank and everything to pay for the next lawyers and stuff. We had some money then, but we don't have it now.

Over the past 21 years and six trials, Curtis Flowers has had every archetype of lawyer — the father-son legal team, the high-profile black nationalist attorney, the dedicated public defenders.

When I met his parents Lola and Archie last summer, Curtis' case had been taken on for free by a new team of lawyers from the Innocence Project and a high-powered East Coast law firm. Lola was feeling optimistic for the first time in a while. She was thinking ahead to the next family reunion.

Lola Flowers: So we're having the next one Labor Day weekend, so I hope Curtis out by then. Maybe the Supreme Court will say something. That's what we're waiting on now, see what they got to say.

Madeleine Baran: Do you let yourself think about that moment? Like, do you think about what that would be like if he—.

Lola Flowers: Oh yeah, I think about that all the time, you know, what a good time we're going to have. A lot of families say, 'When they let him out, we all will be there.' I say, 'Yeah, we're going to have a good time.'

Curtis' father Archie didn't say much this first time I met him. He sat next to his wife, and when she talked, he would just sigh or shake his head.

I asked the Flowers if they had any photos of Curtis. They told me they only had one, because in 1999, just before Curtis' second trial, their house burned down.

Lola and Archie were out of town in Memphis when it happened. Their daughter was sleeping over at their house with some of their grandkids.

Lola Flowers: My daughter was home. And she said it sounded like something blew up or something. Said it was a loud noise. And when she went to look, everything was burning. It just burned everywhere.

As for the cause of the fire, according to the report from the fire department — which I got a copy of — there was no final determination as to what caused it. But Lola told me that after the fire, someone told her that they'd heard something from a white person in town.

Lola Flowers: But somebody said they heard, they said, 'If they let that nigger go, another house going to burn.'

Madeleine Baran: What do you think of that?

Lola Flowers: What do you think I think of that? Mmm hmm. That somebody probably set it afire.

Many years ago, around the time of the first trial, Curtis' friends and family tried to organize people in town to help Curtis. I went with our producer Samara to talk to some of the people who were involved in it, Pastor Jimmy Forrest and his wife Rosie.

Madeleine Baran: Hi, are you Reverend Forrest?

Pastor Forrest had had a stroke the previous year, so Rosie did most of the talking.

Rosie Forrest: But what we was trying to do was, family-wise, was just try to see if we need to raise money, get lawyers, or find him a lawyer. Or do we need to—. We were just going to talk about and find out what it is that we can do to help Curtis. Yeah. Just be there for him.

Rosie said her husband Jimmy took the lead back then on organizing a community meeting. Rosie told me that it felt like there was some momentum there, like they could maybe really get something going. But then one day, before the meeting had happened, a woman came in to the salon where Rosie worked, a black woman whom Rosie refused to name. And this woman told Rosie that she'd been asked to deliver a message to her husband Jimmy, from the white side of town. The message was brief.

Rosie Forrest: He needs to relax. He needs to relax. Cool off.

Samara Freemark: Who was the message from?

Rosie Forrest: We don't know exactly. But we didn't want our house burned or anything to happen to our family.

Madeleine Baran: And so did you still have the meeting?

Jimmy Forrest: Did we do it? No.

Rosie Forrest: We didn't. Everybody just disappeared. We had planned to get together and talk about it. Nobody. So we just didn't do anything else. We backed off.

Madeleine Baran: Because it sounded like it's a threat, right, that you received.

Rosie Forrest: It was. It was. It was a threat. If you had been here—. Matter of fact if I knew enough about the law system, or lawyers, or whatever, I would have investigated that incident. I would have tried to follow that up. But I didn't know enough. We don't have—. The bad part about it, can't prove none of this stuff.

Madeleine Baran: Had you heard of things like that happening in Winona before?

Rosie Forrest: I have. So that's what put the fear.

This is Season 2 of *In the Dark*, an investigative podcast from APM Reports. I'm Madeleine Baran. This season is about the case of Curtis Flowers, a black man from a small town in Mississippi, who has spent the past 21 years fighting for his life, and a white prosecutor who has spent that same time, trying just as hard to execute him.

I was in Mississippi to find out what was going on in the case of Curtis Flowers, to find out why the prosecutor Doug Evans had tried the case six times.

I decided to start out my reporting by looking at the evidence that Doug Evans presented to the jurors in those six trials.

The way I saw it, the case against Curtis Flowers really came down to three main things: the route he said Curtis walked the morning of the murders, the gun he said Curtis used to murder the four people at the store, and the confessions he said that Curtis made to his cellmates.

The route. The gun. The confessions.

I decided to start with the route.

I went with our producer Natalie to check it out for ourselves.

Madeleine Baran: OK. So we are standing in front of Curtis Flowers' house where he was living in 1996. And what we're about to do is walk the route that the state says Curtis walked that day.

Natalie Jablonski: And it's like seven o'clock in the morning.

Madeleine Baran: Yeah, so it's about the time that he would have started out, according to the state. So let's start walking

Natalie Jablonski: To our right.

According to Doug Evans, Curtis had walked everywhere that morning. He got up early on the morning of July 16th, left his house on the west side of town, and started walking east.

In the neighborhood where Curtis lived, the houses are small and close together. It's hilly. The yards are short and some houses are practically up on the street. People are out in their yards, hanging out, waving to people as they drive by.

Madeleine Baran: Morning. Good, how are you?

According to Doug Evans, Curtis walked out of his neighborhood, and he went east. He crossed over one of town's biggest streets, Highway 51, and kept going.

Curtis turned down a street that led to a small sewing factory.

Madeleine Baran: We are coming up to Angelica Drive.

He walked up to the parking lot right outside the factory and stole a gun from the glove compartment of a car.

Madeleine Baran: He's going to walk home.

Then he walked all the way home, back to the west side of town, his neighborhood.

Madeleine Baran: So we're crossing 51. And now we're back on Curtis' side of town.

Curtis was at his house for a few minutes. Then he left again, this time to go to Tardy Furniture. Tardy Furniture was all the way on the other side of town, on the side of town where Curtis just was. So he headed back east to go to the store.

Madeleine Baran: So we're crossing another busy street.

He walked past block after block of houses, and as he got closer to Tardy Furniture, he started to pass by businesses — an auto body shop, a dry cleaners.

Madeleine Baran: Coming up on Front Street.

He arrived at Tardy Furniture, walked inside, and killed all four people there. Then he walked out the front door and headed west to go back home. On the way, he stopped at a convenience store on Highway 51 to buy chips and a six pack of beer.

Madeleine Baran: This is such a long walk.

Natalie Jablonski: It really is.

By the time Natalie and I were done, we had walked for an hour and 36 minutes.

The route that prosecutor Doug Evans said Curtis Flowers took was long. It was nearly four miles. And it's brazen. It would've taken Curtis all over the town of Winona that morning.

When Curtis Flowers talked to investigators on the day of the murders, and later, when he testified in court, Curtis said he never walked that route. In fact, he said, he was never on the east side of town at all that morning. He'd spent the whole morning in his own neighborhood on the west side.

But the problem for Curtis Flowers was that the prosecutor Doug Evans had found witnesses who placed Curtis at almost every point on that route.

These route witnesses were one of the strongest parts of the state's case. Each of them raised their right hand and swore an oath and testified to seeing Curtis that day as he walked by.

Although none of the witnesses testified that they saw Curtis carrying a gun or saw any blood on him, their testimony was powerful.

Most of these route witnesses knew Curtis. A lot of them had known Curtis for their entire lives. Most of them were black, and they'd grown up in the same neighborhood as Curtis. When Doug

Evans put them on the stand and asked them to describe who they saw that morning, these witnesses could not have been more clear. They would point to Curtis and be like, "It was Curtis. There he is. I've known him for years."

It was hard for Curtis' lawyers to break the spell of the route. They tried cross examining each of the witnesses, but it didn't seem to do much. If anything, as the trials went on, the witnesses seemed to get even more certain and even more angry at the defense attorneys for doubting them.

It was easy to see how a jury would be convinced by these route witnesses. To the jurors, these witnesses came across as credible, as people doing the right thing. Doug Evans told them that what the witnesses said, all their individual stories, fit all fit together. It made sense as one story, one route, a clear, convincing story about a man walking to commit murder.

But there was something I found odd about this route and about these witnesses.

I managed to track down the original statements that the route witnesses gave to law enforcement. There were at least twelve witnesses who had given statements about seeing Curtis Flowers walking on day of the murders. Most of them had testified at trial.

The statements are pretty basic. Did you see Curtis Flowers? Do you remember what he was wearing? That kind of thing.

But it's when the statements were given that stood out to me. The first statement from a route witness naming Curtis didn't come until a month after the murders. Some statements weren't given until four, five, or even nine months later.

This seemed strange to me. Because what the witnesses were describing seemed totally unremarkable. They were describing a man they knew, who lived in their neighborhood, walking past them, a man who wasn't doing anything strange. He was just walking. That was it. I couldn't see any reason why, on the morning of the murders, anyone would have connected that to an execution style quadruple murder in a different part of town.

And if you didn't make that connection in your mind that day, how in the world would you be able to make it weeks or months later?

And even if you did remember it, why would you wait so long to tell the cops?

That's what I wanted to find out when I set out with our producer Natalie to find these witnesses last summer. I wasn't sure what to expect.

A lot of people in Winona told me that these witnesses, they don't talk about their testimony. They don't talk at all about the case. I couldn't find a record of any of the witnesses ever giving an actual interview to a reporter.

And when we found one of our first witnesses, and asked him about his testimony, we didn't exactly get off to a promising start.

Bojack Kennedy: That is confidential.

This guy's name is James Edward Kennedy. But everyone just calls him Bojack.

Bojack Kennedy: It's confidential. We're not supposed to talk about that.

Madeleine Baran: Oh. How come?

Bojack Kennedy: We're not supposed to talk about it, because other people have gotten the wrong impression by talking to peoples like you all. Me myself, I don't talk about it.

Madeleine Baran: You don't.

Bojack Kennedy: I'm not gonna talk about that period because it's confidential, and it causes confusion on both sides.

Bojack had talked to the District Attorney's investigator John Johnson in September of 1996, two months after the murders. He said that he had seen Curtis Flowers walking by his house smoking a cigarette on the morning of July 16, 1996, near the factory where Curtis had supposedly stolen the gun.

Bojack had testified in five of Curtis Flowers' trials. And over all of those trials, Bojack never wavered. He was absolutely certain he had seen Curtis that day.

I ended up talking to Bojack for nearly four hours over two days. And eventually, he did tell me his story of what he'd seen on the day of the murders. It was more or less the same one he'd told in court five times, about seeing Curtis that day. Bojack told me he was out on his porch at the time when he saw him.

Bojack Kennedy: Walking fast.

Madeleine Baran: Walking fast?

Bojack Kennedy: Yeah.

Madeleine Baran: And you, did you say anything to him?

Bojack Kennedy: Oh yeah. 'Hey man, what you doing down here this early in the morning?' And he mumbled something, and he never stopped.

But it quickly became clear that Bojack is the kind of guy who says a lot of things, the kind of guy who just likes to tell stories.

Bojack Kennedy: There's a lot that I know.

For example, Bojack told me that ISIS was in Winona.

Bojack Kennedy: ISIS. ISIS are here.

Madeleine Baran: Like here, here in Winona?

Bojack Kennedy: Here in Winona.

And that one time, the river in Winona suddenly switched directions and started flowing backwards.

Bojack Kennedy: And then the rivers ran backwards. They didn't put that in the paper.

And also, he told me that he worried that my microphone might be transmitting messages to the Russians.

Bojack Kennedy: If Russia can hack into the election, don't you think they can hack into what you're saying?

Bojack wasn't saying any of these things with any real seriousness. It didn't at all seem as though he really thought my microphone was in communication with Vladimir Putin. He was just messing with me.

Bojack was happy to tell me about all kinds of things, but the only thing he wouldn't talk about was how he had ended up giving a statement to law enforcement two months after the murders.

Bojack Kennedy: I ain't at liberty to say. Bad as I want to tell you, but I'm not at liberty to say.

Madeleine Baran: I didn't think it would be like a big question, actually.

Bojack Kennedy: That's it. I'm not going to say anymore. I'm looking at, in the back of my mind, it's telling me not to talk no more.

Madeleine Baran: OK.

Bojack Kennedy: It's telling me not to talk no more.

As the summer went on, Natalie and I kept talking to witnesses. And slowly, we started to piece together just how these route witnesses came to be giving statements to investigators. And it turned out, it wasn't like they just picked up the phone and called the cops to report what they'd seen. In the Curtis Flowers case, it worked the other way.

Madeleine Baran: Hi! How you doing?

Mary Jeanette Fleming: All right. I'm Mary. Y'all want to meet?

Madeleine Baran: Yeah.

I talked to a route witness named Mary Jeanette Fleming who told me that how she got involved in this 21-year-long death penalty case isn't entirely clear to her. She said that one day, about seven months after the murders, she was working her shift at McDonalds, when in walked the police chief of Winona.

Mary Jeanette Fleming: He came up to McDonalds and told me to come to the police station. And I asked him what was going on. You know, I thought something had happened to one of my kids. And he never did tell me, so, but anyway.

Madeleine Baran: You were worried that something was up with your kids?

Mary Jeanette Fleming: Uh huh. He just said he wanted to talk to me at the station that day. Yeah.

Mary Jeanette asked her boss if she could leave work right then in the middle of her shift, and he said OK. And then she drove herself down to the Winona police station. She said she still didn't know what it was about. And then, she ended up in a room with an investigator.

Mary Jeanette Fleming: So when I got there, he brought that up about the Flowers case.

Madeleine Baran: And so did they ask you, like 'Did you see Curtis the day of the murders' or?

Mary Jeanette Fleming: Yes ma'am. That's what he asked me.

Mary Jeanette said she told the investigator that she remembered seeing Curtis walking past her on the sidewalk on the morning of the murders seven months earlier.

Mary Jeanette Fleming: So I just told him I had seen him that morning. I didn't want no parts of it anyway.

Mary Jeanette Fleming has had to testify at every trial that Curtis Flowers has had for 21 years. She said that all of this has turned her family against her. She said her family believes Curtis is innocent, and that they think she went to the police with a made-up story, so that she could get the \$30,000 reward that had been offered in the case.

Mary Jeanette Fleming: My own folk was against me, telling me I was lying to get money and stuff like that. (crying) I didn't want no damn pay.

Natalie Jablonski: Why do you think they didn't want you to tell that story?

Mary Jeanette Fleming: Because they were friends to him. Then they were talking about he was a church member. Oh, so well! Me too! You know, saying he didn't, wouldn't a did nothing, he couldn't have killed that many people at one time. I didn't say he did do it. I said I seen him that morning, headed in that direction. I told them I don't know where he went to.

Madeleine Baran: So yeah, your own family accused you of being a liar?

Mary Jeanette Fleming: Yeah, my, yeah. I mean I got so, I got sick of that stuff. (crying)

We found another witness, Danny Joe Lott, lying on a bench out in front of a Dollar General store, his arm slung over his eyes to block out the afternoon sun.

Madeleine Baran: Are you Danny Joe Lott?

Danny Joe Lott: Sure is!

Madeleine Baran: Great!

Back in 1997, Danny Joe had given a detailed statement to the D.A.'s investigator John Johnson. It was about ten months after the murders when he gave it.

When I found Danny Joe, he'd clearly been drinking. And by his own account, Danny Joe's memory was terrible. He told me that back in 1996, he would get drunk almost every day. He told me he was actually drinking a beer the morning some officers pulled up in May 1997, ten months after the murders, and told him to go with them down to the police station.

Danny Joe Lott: They got me.

Madeleine Baran: Who got you?

Danny Joe Lott: I don't know, them white men, Winona police. I don't know.

Madeleine Baran: And they told you to get in the car?

Danny Joe Lott: Yeah.

Madeleine Baran: What—. Were you scared? Like they just come by, you don't know who they are?

Danny Joe Lott: Yeah, I was scared. I didn't know who they were. I just got in.

Danny Joe Lott had been picked up a lot by the police over the years, but this time was different. This time, he said, they didn't put handcuffs on him, and they let him ride in the front seat.

Danny Joe Lott: He said, 'We, we ain't got to, we ain't putting no handcuffs on you.' I said, 'OK.' He said, 'Get in the front seat.' I got in the front. They said, 'You ain't did nothing. We just got to ask you questions — about Curtis.'

Danny Joe told me that once he got to the police station, he was put into a room with the same investigator who'd talked to many of the other witnesses — John Johnson, the investigator for the District Attorney's Office. That's when he gave his statement about seeing Curtis.

I kept talking to witnesses, and as I did, I became more and more suspicious — not of the witnesses, but of the investigation. Some people seemed kind of freaked out.

Eloise Daniels: No comment.

They spoke to me through their screen doors or out of car windows.

Eloise Daniels: I don't need to talk about it, okay, because I can be—.

I knocked on one woman's door, and she wouldn't come out at all. All she would say was that if Curtis had another trial, she would refuse to testify.

Catherine Snow: No, no, I don't want to be nowhere involved.

I went to see a really minor witness. She didn't even testify at trial because all she said was that she saw Curtis in his own neighborhood on the day of the murders. But when I went to see this woman, she told she did actually did not see Curtis that day.

Eloise Daniels: No, I didn't see Curtis.

And then she closed the door on me.

One day, I ended up talking to a man whose wife was a witness, though she never testified at trial. When I stopped by, his wife was taking a nap. And at first, he was very friendly and invited me inside, but when I asked about his wife's statement about seeing Curtis, he said I should go.

Nat Latham: You're not going to find a better time to talk about it.

That his wife would not want him talking about that.

Nat Latham: She's not gonna talk to you about it. I know that for a fact.

When I asked him why, he said that his wife had felt pressured to talk by law enforcement.

Nat Latham: She was under pressure to talk.

That they'd asked about things she knew nothing about.

Nat Latham: They asked her about—.

He wouldn't explain what he meant. On the way out he made this really cryptic remark. He said, "They wanted everything."

Nat Latham: They wanted everything.

They wanted her to make some commitments that she couldn't make.

Nat Latham: Make some commitments she couldn't make.

And then he told me, "I've said more than I probably should have."

Nat Latham: I've said more than I probably should have.

And the interview was over. And then one day, I met a witness named Ed McChristian.

That's after the break.

(BREAK)

Ed McChristian lives in a neat, one-story brick house. As I walked up, an air conditioner was blasting in the window.

Madeleine Baran: Can we sit down for a sec? Do you mind? It's just so hot.

Ed McChristian: Yeah.

Ed McChristian was wearing blue jeans and a tee shirt that became more and more soaked with sweat as we sat in lawn chairs on a little strip of concrete in front of his house. He held a little blue washcloth in his right hand, and every minute or so, he would raise it to his head to wipe off the sweat that streamed down it, and then he would neatly fold the blue washcloth and press it down on his jeans to dry it off.

I asked Ed McChristian all my usual questions. He told me how he saw Curtis Flowers walking by his house on the day of the murders. He told me he did not get in touch with law enforcement to tell them about this, that law enforcement got in touch with him, that he gave a statement to John Johnson at the police station.

Ed McChristian had talked to John Johnson about a month after the murders.

In court, Ed McChristian always testified that he was certain of what he saw — Curtis Flowers walking by his house on the morning of July 16, 1996.

Ed McChristian: He just passed just like that. I never gave him a thought. I mean you don't know nothing happened, so I just looked up and seen who he was and recognized him. That was it.

Madeleine Baran: How certain are you that it was that morning that you saw Curtis?

Ed McChristian: I wasn't even really sure. They had more about it than I did.

I wasn't even really sure. They had more about it than I did.

What did that mean?

And then Ed McChristian told me how it came to be that he gave such a detailed statement about seeing Curtis Flowers on July 16, 1996. He said that statement he gave, it didn't start with him. It started with John Johnson.

Ed McChristian told me Curtis Flowers did walk by his house at some point that summer, but he never remembered which day it was. But he said that wasn't a problem, because when he walked into that room at the police station, John Johnson already knew what day he'd seen Curtis, that he'd seen Curtis Flowers on July 16, 1996.

Ed McChristian: They had it down pat for me. So all I had to do was go there, and they asked me a question and I answered it.

Ed McChristian said it's still not clear to him exactly how John Johnson knew this. He said Johnson told him that someone had turned him in. That someone had said that Ed McChristian had seen Curtis on July 16. Johnson wouldn't say who this person was. The whole thing was kind of unsettling.

Ed McChristian: Somebody had told them I seen him, so I couldn't say I didn't see him.

So Ed McChristian said yes, I did see Curtis Flowers on July 16, 1996. He gave the statement and testified to it in six trials.

Madeleine Baran: And so if you hadn't been like called in there, and they hadn't said like, 'July 16th, 1996,' would you have even remembered the day?

Ed McChristian: No.

Ed McChristian told me that every time another one of Curtis' trials came up and he found out he had to testify again, he didn't want to go, but he didn't think he had a choice.

He told me that he's not sure exactly what would happen to him if he straight up refused to testify, but that whatever it would be, it wouldn't be good, like he might have to pay a fine or could even be thrown in jail.

Ed McChristian: All they did, every time, they'll subpoena me, every time.

Madeleine Baran: So you didn't have a choice?

Ed McChristian: No. Every time I get a subpoena.

Madeleine Baran: Did you ever say like, 'I'm not doing this?'

Ed McChristian: You don't know how bad I wanted to. Nah, I never did say it, but I sure wanted to. Don't do no good.

We had talked to almost all the witnesses on the route that the prosecutor Doug Evans said Curtis had walked on the morning of the murders. I had just two witnesses left. And the story that these two witnesses told was critically important to the state's case against Curtis.

Their names were Roy Harris and Clemmie Fleming. They didn't talk to law enforcement until about nine months after the murders. Clemmie and Roy gave separate statements to John Johnson, but what they told him was more or less the same story.

Clemmie and Roy said they were in a car together on the morning of the murders. Roy was driving. Clemmie was in the passenger seat. Clemmie had asked Roy to give her a ride to Tardy Furniture to pay her furniture bill.

Roy and Clemmie pulled up outside the store. It was right around the time of the murders. But Clemmie decided not to get out of the car, because even though she had driven all the way

down there, she later explained that she wasn't feeling well, because she was five months pregnant.

They left, and as they drove around the corner and got about a block or two away from Tardy Furniture, they spotted a man up ahead, running across a field, running west, like he was running away from the direction of downtown.

Clemmie recognized him right away. It was her neighbor, Curtis Flowers. She pointed him out to Roy, but Roy didn't know him. They didn't talk to Curtis. They couldn't remember what clothes he was wearing or what kind of shoes. They didn't describe seeing any blood on him or seeing a gun. But what they did see was bad enough. Curtis Flowers running west around the time of the murders, just a block or two from Tardy Furniture.

Clemmie and Roy both testified in the first trial, but almost as soon as that first trial ended, the story of Clemmie and Roy began to fall apart.

Last summer, I went with our producer Samara to find Roy Harris. He lives in a little town about a half-hour from Winona. Roy didn't have a listed phone number, and we couldn't find anyone who had an address for him, so we just started stopping into gas stations and truck stops, asking if anyone knew him.

Madeleine Baran: Do you happen to know where Roy Harris lives?

Woman: I have no idea.

Madeleine Baran: Do you know where Roy Harris lives?

Man: A who now?

Madeleine Baran: A Roy Harris.

Man: Roy Harris? I can't place him.

Madeleine Baran: Do you happen to know where Roy Harris lives? No? Okay.

Finally, we stopped in to a cafe and asked the ladies working the lunch buffet if they knew where to find him.

Woman at cafe: How y'all doing?

Madeleine Baran: Good. We're looking for a man named Roy Harris. But we can't figure out where he lives.

Woman at cafe: That ain't him?

Madeleine Baran: Oh is that him there?

The cashier pointed at an older man sitting at a table with a woman. They were eating lunch. It was Roy Harris and his girlfriend Joann Young.

Samara Freemark: I don't want to interrupt your lunch.

Joann Young: Come on, sit down, we're through. Nice to meet you. My name's Joann.

Joann told us that talking with Roy wasn't going to be easy. Because Roy was almost entirely deaf. He'd lost most of his hearing when he was a teenager and a tractor ran over his head. He didn't know sign language. He didn't use a hearing aid.

We made plans to meet up with them a few days later at Joann's house.

Joann Young: Hi! Come on in. Y'all have any trouble finding it?

Madeleine Baran: Actually no. Not at all.

Joann was wearing a long flowing skirt and red lipstick. Roy was wearing a baseball cap, a t-shirt, and jeans.

We sat down at Joann's kitchen table, and right away Joann took charge of the interview.

Joann Young: He, he can hear the words, but he don't, can't make it out what it is.

Madeleine Baran: So he can hear that someone is talking.

Joann Young: Right, but what it is he don't. He can read your lip. My lips, he can read me good.

Madeleine Baran: Yeah, yeah. That's why it's good to have you here.

Joann Young: I mean, really. Roy, she's gonna ask you some questions.

Roy Harris: I know. I know.

Madeleine Baran: Thanks.

Roy Harris told me that the morning of the murders, he did see a man running across a street a block or two from Tardy Furniture. But he also told me that when he saw that man, it was much earlier in the morning, and that he was alone in the car. Clemmie wasn't with him. Roy said he didn't take Clemmie for a ride until later that morning, after he had seen the man. And that when he was in the car with Clemmie, they didn't see anyone running.

Roy Harris: But she ain't seen nobody running. The only time I seen somebody running is when I was by myself. She wasn't with me when I first went out, when I seen the fellow running. And when I took her, we didn't see nobody running.

Nine months or so after the murders, law enforcement told Roy Harris they wanted to talk to him. Roy didn't know how they'd found him. He figures that somehow, someone must have told someone about the man he'd seen running.

Roy said he went down to the police station, and just like so many of the other witnesses, he ended up in a room with John Johnson, the investigator for the District Attorney's Office.

Madeleine Baran: So what did he say when you met?

Joann Young: What did y'all? What did he say when y'all met? When he took you to the police station, what did he say to you?

Roy Harris: He showed me Curtis Flowers' picture. Like a school, school picture.

Madeleine Baran: Oh. And how many photos did they show you?

Joann Young: How many pictures did they show you?

Roy Harris: Just one.

Madeleine Baran: Just one.

Roy Harris: Mr. Flower's picture. He asked me, 'Was that the fellow I seen running?' I told him, 'No.' I told him that wasn't the fellow.

Roy Harris said that John Johnson pushed him on this point. Wasn't it Curtis Flowers he saw? And wasn't Roy in the car with Clemmie when they saw the man?

Roy Harris: And so he kept on, kept on, kept on. And I, he was trying to make me, you know, say it, you know, that she was with me. But I told him she wasn't.

Madeleine Baran: So he kept questioning you?

Roy Harris: Kept on, kept on, kept on. And I didn't want to agree with it.

But eventually, Roy said, he broke down and he told John Johnson, fine, I saw Curtis Flowers with Clemmie on the morning of the murders.

Roy said he did it because he wanted to get out of there. He just wanted it to be over.

Roy Harris: I was sort of afraid of Johnson or something like that.

Joann Young: Why were you afraid of Johnson?

Roy Harris: Afraid he gonna have somebody do something to me or something like that, you know, because he was trying to get me all messed up anyways, so.

Joann Young: Oh, OK.

Madeleine Baran: What did you think he might do?

Joann Young: What were you think he might do?

Roy Harris: I don't know. Anything. (laughs) Ain't no telling what.

Joann Young: But you was afraid of him?

Roy Harris: Yeah. Because he knowed I couldn't hear good, and he was trying to get me in trouble, you know, like, you know, by saying the wrong thing, you know, and stuff like that, and he'd get me locked up.

Madeleine Baran: But you, it sounds like you felt threatened.

Roy Harris: Yeah, I did. I sure did.

I tried to talk to John Johnson about this, but he did not respond to my requests for an interview.

Roy testified in the first trial that he and Clemmie saw Curtis that day. But after that first trial, Roy Harris went to Curtis' lawyers and told them that the testimony he'd given was not true.

After Roy Harris recanted his testimony, the prosecutor, Doug Evans, had a problem. The story of Roy and Clemmie had been one of the strongest pieces of evidence about Curtis' route at the first trial. Now that story was falling apart. If Clemmie also changed her story, that would be

even worse. If that happened, Doug Evans would no longer have a story of Curtis running away from downtown. All he would have would be some stories of Curtis walking around.

And so, after Roy changed his story, Doug Evans' investigator, John Johnson, moved to lock down Clemmie's story.

John Johnson: And this thing's recording. Clemmie, for the sake of the record, my name is John Johnson.

I managed to track down the video that John Johnson took of Clemmie Fleming after Roy had recanted.

John Johnson: Today's date is February the 8th, 1999. We're in the district attorney's office in Winona, Mississippi, and we've asked you to come in and make another statement to us concerning—.

Clemmie looks young in the video. She was just 22 then. She's barely talking above a whisper. She's wearing white spandex-y shorts and a long-sleeve striped polo shirt. Her hair is straight and down to her ears. She's wearing silver earrings. She's in a room with John Johnson and another investigator. Both of the investigators are off camera. Clemmie is sitting in a blue office chair, and she keeps swiveling left and right.

John Johnson: What were you trying to do that morning?

Clemmie Fleming: I was going to pay on my Tardy bill.

John Johnson and the other investigator take Clemmie through her whole story.

Robert Jennings: All right, Clemmie. From that point on, when you first saw him, what was his actions? What was he doing?

Clemmie Fleming: He was running.

Robert Jennings: In which direction?

Clemmie Fleming: He was running like—.

Robert Jennings: Toward—

Clemmie Fleming: Toward Campbell Street.

Robert Jennings: It would have been away from Tardy?

Clemmie Fleming: Yeah.

Throughout the interview, John Johnson and the other investigator keep guiding Clemmie back to the statements she gave at trial. They keep reminding her of what she'd said in the past.

Robert Jennings: I think in your statement, your testimony, you indicated he was running like someone was after him?

Clemmie Fleming: Mm hmm.

Then John Johnson tells Clemmie why they wanted to make this recording.

John Johnson: Basically, what we want to know this morning, Clemmie — the day that you came in and made this statement, did I lead you to say anything?

Clemmie Fleming: No.

John Johnson: Was your statement free and voluntary?

Clemmie Fleming: Yes.

John Johnson: Did I offer you money or any reward or any gratitude at all if you would make the statement?

Clemmie Fleming: No.

John Johnson: And also, I didn't guide you as to the facts of what you saw that morning?

Clemmie Fleming: No.

It goes on like this.

John Johnson: Were you truthful with your statement that day, Clemmie?

Clemmie Fleming: I don't be lying like that.

John Johnson: And you've been truthful in your testimony, under oath, you've raised your hand and swore to tell the truth. Is that correct?

Clemmie Fleming: I don't be lying.

John Johnson: And in fact you told the truth then, didn't you?

Clemmie Fleming: Yeah.

John Johnson: I think that's all that we need, Clemmie. We just wanted to record the fact that, you know, you told the truth, that we hadn't guided you as to what to say, that your statement was free and voluntary, and that you have not backed away from being truthful.

Clemmie Fleming: Yup.

John Johnson: And thank you very much. And that will conclude the statement.

I've talked to a lot of people who know Clemmie — her friends, her family — and they all said that despite what Clemmie has told law enforcement, and despite Clemmie's testimony in all six trials, they do not believe that she actually saw Curtis that day.

I talked to Clemmie's sister, Mary Ella, who told me that Clemmie couldn't have seen Curtis Flowers on the day of the murders because, she said, Clemmie was with her the whole day. She said she remembers it because that morning, she and Clemmie had planned to go down to Tardy Furniture together, so that Clemmie could pay her furniture bill. But while they were getting ready to leave, someone came by Mary Ella's house and told them that there'd been a shooting at Tardy Furniture. Mary Ella said she and Clemmie went to the crime scene together to check it out.

Mary Ella Fleming: And when we got down there, they had it all taped off. And I told Clemmie, I said, 'I'm glad we didn't go down there, 'cause we probably would have been, you know, caught up in there.' And she said, 'Sure would have.'

Mary Ella didn't find out that Clemmie had given a statement to law enforcement until the first trial. Mary Ella wasn't at the trial. It was being held in Tupelo, about 100 miles away. But someone passed along word to Mary Ella that her sister Clemmie was up there on the stand, testifying under oath that she saw Curtis on the morning of the murders.

Mary Ella's first reaction was to race to the courthouse to tell the jurors exactly what she told me, that Clemmie's story couldn't possibly be true. But by the time she got there, the trial was almost over, and the defense decided not to try to call her as a last-minute witness.

Mary Ella did end up testifying for Curtis' defense in the second trial.

Mary Ella Fleming: It was like they were using me and Clemmie against one another. It was like Clemmie's word against mine, and Clemmie won.

I went to talk to one of Clemmie's best friends from back then, her cousin, a woman named Latarsha Blissett. Latarsha and Clemmie still live just a block apart. Latarsha lives in a trailer with her husband. It's in the backyard behind her mother's house.

Latarsha said she remains convinced that Clemmie made up the story, and that she did it because she felt pressured by law enforcement, and because she thought she might be able to get some money.

And Latarsha said, the reason she thinks this, is because of what happened to her.

Back in 1996, Latarsha was 19 years old, and she said she was at high school one day when the cops showed up and told her she needed to come with them.

Latarsha Blissett: I was scared, but it was the police, so I'm finna go. I know I ain't did nothing wrong 'cause I don't never do nothing, get in no trouble. But I don't know. I just went. Just doing what a kid gonna do.

Latarsha said she was taken to a police station and put in a room with two investigators. She said one of them was John Johnson. She doesn't remember who the other person was. She said they asked her about Curtis Flowers, whether she'd ever dated him, whether she knew what kind of shoes he wore, whether she knew anything that would connect Curtis to the murders at Tardy Furniture. She told them no, no and no.

But she said they also asked her this other kind of question.

Latarsha Blissett: Asked me was I trying to buy a mobile home. Asked me if I knew what \$30,000 could buy. If, you know, you trying to get a mobile home, do you know what, you know, this amount of money could buy? But every time they were asking me something, they always would ask me, do I know what this certain amount of money

could do. So they didn't just say, 'Well hey, we'll get you blahzay-blahzay, you go buy that trailer,' or, 'We'll get you—.' They didn't do that. but they ended everything with this money to let me know that it's on the table. So I did pick up on that.

Latarsha said that although the investigators implied that she could get money, they never actually said that if she connected Curtis to the crime, she would get a reward. Latarsha said she didn't tell them anything because she didn't know anything.

But when she found out that her cousin Clemmie had talked to law enforcement and that Clemmie had told them that she'd seen Curtis that day, Latarsha did not believe Clemmie's story. Not at all.

It was time to go talk to Clemmie. Natalie and I went to see her late one afternoon. Clemmie is now 42. She still lives in her childhood home in Winona. It's a small one-story house about a block from where Curtis grew up.

(Knocking. Door opens)

Madeleine Baran: Hi.

Clemmie opened the door. It was hot out. She was wearing red shorts and a t-shirt, and she was holding a plastic bag of lettuce in one hand. She looked at me with suspicion.

She didn't invite me inside. Our entire conversation took place with her in the doorway, sometimes sort of closing the door a little bit and then opening it a little bit, like she was going to end this conversation at any moment.

Madeleine Baran: I just wanna know like what this has been like for you.

Clemmie Fleming: I don't like it. Every time you look up, somebody saying negative stuff, and say I lied and why did I lie on him and I got him killed, I'm about to get him get killed and all kinds of negative stuff. I don't like it.

Clemmie told me more or less the same story that she testified to in court about seeing Curtis running away from the downtown on the morning of the murders, although some of the details had changed.

Clemmie told me she never wanted to get involved in the investigation in the first place. She told me that she would've never come forward by herself, and that the only reason she talked to investigators is because someone overheard her talking about it at work and turned her in.

Madeleine Baran: Why didn't you wanna tell anybody about it, do you think?

Clemmie Fleming: 'Cause I didn't know it was gonna get this, you know, this serious, and I'd have to go to court and, you know, and people criticize you and all that.

Madeleine Baran: How important do you even think what it is that you have to say is?

Clemmie Fleming: I don't know. I ain't the only one testifying. He had other people testify, so.

Madeleine Baran: Do you have a sense of like who's the most important witness?

Clemmie Fleming: No. Who you think?

Madeleine Baran: I don't—. I mean I think you're placing him the closest to the store.

Clemmie Fleming: Mmmm.

Madeleine Baran: You know?

Clemmie Fleming: So—.

Madeleine Baran: Yeah.

When I tried to ask her more questions about her testimony and what she saw, she got annoyed.

Madeleine Baran: So then like what happened after that?

Clemmie Fleming: I don't know. You, I don't know. You didn't read it in the paper?

Madeleine Baran: Well, like—.

Clemmie Fleming: I know you had seen my statements and stuff, 'cause I done testified when I had three, I had been all over the world with that stuff. I just wished it'd die. I hate it happened, and I ain't gonna let nobody criticize me. Back then, I let you just do anything and everything to me. I ain't gonna do it no more. I ain't gonna let nobody just walk up and slap me. So that just like, I ain't gonna let nobody just criticize me, so. I don't, I just wish that it, it shouldn't have happened, I hate my name in it. I don't like it, and I just want to live a normal life. I don't care nothing about—. I hate it happened.

I told Clemmie what I'd heard from her friends and family, how they thought her story about seeing Curtis wasn't true, and how a lot of them figured that she'd been pressured by law enforcement into saying it. Clemmie said all those people had it wrong. She told me that her story is the truth, but she also told me that even if her story wasn't true, coming forward now and saying that probably wouldn't help Curtis' case anyway.

Clemmie Fleming: It ain't gonna help nothing if I did say it. It ain't gonna help nothing, 'cause got other people testified, saying they seen him, so what would my testify help?

Madeleine Baran: I think a great deal.

Clemmie Fleming: So what they want me to do? Tell a lie and say I ain't see him? I seen the man. Like I can't erase it and make it go away. It happened. It happened. That's the truth, so now you know the truth.

Madeleine Baran: What do you think you'll do if there's a seventh trial?

Clemmie Fleming: I ain't gonna be in it. I don't care nothing about that stuff. I just wished it'd go away. I ain't nobody. I ain't gonna go up there.

Madeleine Baran: You're not gonna do it?

Clemmie Fleming: Mm hmm. I don't want to. Ain't nobody gonna force me. I just I ain't gonna do it.

Clemmie wouldn't tell me exactly why she would refuse to testify if she was called for another trial. And she wouldn't answer any more questions.

I was at the end of the route. By the time I was done, I'd talked to every person who's still alive who'd testified about seeing Curtis Flowers on the morning of the murders.

And after having done all that, I thought back on how Doug Evans had presented these witnesses to the jurors, how he'd described them, as reliable, credible, as people with excellent memories, people with no reason to lie.

I thought about how Doug Evans had emphasized how many witnesses there were, and how their stories of seeing Curtis all fit together. It was supposed to be damning evidence, and at trial, it certainly was. It helped lead jurors to convict Curtis and sentence him to death.

When I look at it now, I agree with the prosecutor Doug Evans that all of these witnesses do add up to solid evidence. But not evidence that Curtis Flowers walked around town that morning.

Instead, when I look at all of these witnesses, all of these people I'd spent so much time with, I see evidence of a different kind: Evidence that law enforcement was willing to rely on testimony from people who couldn't plausibly remember what they saw in any kind of detail. Evidence that law enforcement was willing to pressure people. And evidence that so many of these people were just plain scared.

So yes, these witnesses were evidence. But not the kind of evidence the jury had ever heard.

Coming up next time on *In the Dark*.

Vernon Bailey: You don't want to walk in the grass here.

Parker Yesko: Oh no? What's there?

Vernon Bailey: All kind of snakes in the grass.

Parker Yesko: Snakes.

There's a lot more information about these route witnesses, and how some of their accounts contradict each other, how their testimony has changed over the six trials. It's way more than we could ever get into in even five episodes of this podcast, but it's worth checking out. We have it all on our website, inthedarkpodcast.org.

In the Dark is reported and produced by me, Madeleine Baran, senior producer Samara Freemark, producer Natalie Jablonski, associate producer Rehman Tunekar, and reporters Parker Yesko and Will Craft.

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